IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO.302 OF 2005

Akhil Bharatiya Mathadi,Transport
and General Kamgar Union. ...Petitioner.

Vs.

Supreme Petro-Chem Limited & Ors. ...Respondents.

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Mr.S.S.Pakale with Ms.Rajnaja Todankar
for the Petitioner.
Mr.Piyush Shah for Respondent No.1.
Mrs.Lund with Mrs.Pallavi Divekar for Repondent
No.3. .....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 7, 2005.

P.C. :

Perused the orders of the Division Bench dated 13th April 2004 in Writ Petition No.2919 of 2003 and dated 24th March 2005 in Writ Petition No.9553 of 2004. The grievance of the Petitioner is that the provisions of the Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment & Welfare) Act, 1971 are not being duly

enforced. In the order dated 13th April 2004 passed by the Division Bench, the representation of the First Respondent in regard to the applicability of the Act and the scheme framed thereunder was directed to be decided within one month. There was a stay to recovery proceedings for a specified period of one month only. It is the case of the Petitioner that the Act not having been held inapplicable to the First Respondent, it was the duty of the Board to enforce the provisions of the Act. This, in my view, cannot be a subject matter of a contempt Petition since a substantive petition would have to be filed by the Petitioner to espouse its contention. In the circumstances, this Contempt Petition is disposed of with liberty reserved to institute a substantive petition.

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